

William A. Broscious, Esquire (VSB#27436)
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Counsel for EVB

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re)	Chapter 7
)	
THOMAS LEE SEBRA)	Case No. 11-34561
and)	
ELAINE M. SEBRA, jointly)	
)	
Debtors.)	
)	
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EVB,)	
)	
)	
)	
Movant,)	
)	
)	
v.)	
)	
)	
THOMAS LEE SEBRA,)	
ELAINE M. SEBRA,)	
and)	
LYNN L. TAVENNER, TRUSTEE)	
)	
Respondents.)	
)	
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CONSENT ORDER GRANTING
MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Upon consideration of the Motion for Relief from the Automatic Stay [Docket No. 18] (the “Motion”) filed by EVB; it is:

ORDERED that the automatic stay imposed by 11 U.S.C. §362 is modified to permit EVB and its successors and assigns to enforce the lien of its deeds of trust as it pertains to the following real property (the “Real Property”), along with (i) all equipment, fixtures, and other articles of

personal property attached or affixed to the subject real property (the “Personal Property”), and
(ii) all present and future rents, revenues, income, issues, royalties, profits, and other benefits
derived from the subject real property (the “Rents,” and together with the Real Property and the
Personal Property, the “Property”), such Real Property being more particularly described as
follows:

a. *The “9233 Northumberland Hwy. Property”*

All that certain lot or parcel of land, together with all improvements thereon
and all rights, ways and privileges thereunto appertaining, situate, lying and
being in Heathsville Magisterial District, Northumberland County, Virginia,
containing 1.448 acres, more or less, designated as Parcel A, as shown on
plat of survey by Phillip L Keyser, Land Surveyor, dated June 11, 2002,
entitled “Boundary Line Adjustment Survey of the Land of ROBERT D.
BROOKS”, a copy of which plat is of record in the Clerk’s Office of the
Circuit Court, Northumberland County, Virginia, in Deed Book 513, Page
847, to which reference is hereby made for a more accurate and particular
description.¹

b. *The “11072 Richmond Road Property”*

All those two (2) certain lots, tracts or parcels of land, together with all
improvements thereon and all rights, ways and privileges thereunto
appertaining, situate, lying and being in Washington Magisterial District,
Richmond County, Virginia, and more particularly bounded and described
as follows:

Parcel One: 0.535 of an acre, more or less, as shown on plat of survey by
Charles E. Tomlin, Jr., Certified Land Surveyor, dated November 12, 1973,
entitled “Lot Location Survey DONALD I. SMITH & GLORIA B. SMITH”,
a copy of which plat is of record in the Office of the Clerk of the Circuit
Court of Richmond County, Virginia, in Deed Book 101 at Page 369.

Parcel Two: 10.00 acres, more or less, designated as Parcel II, as shown
on plat of survey by Sterlin L. Headley, Land Surveyor, dated September
24, 1991, entitled “PLAT OF DIVISION SURVEY OF THE LAND OF
ALDENE SMITH HAYNIE”, a copy of which plat is of record in the
aforesaid Clerk’s Office in Plat Cabinet No.1 on Slide No. 238A. LESS
AND EXCEPT, 1.0194 acres, more or less, as shown on plat of survey by
Edward G. Holsinger, Land Surveyor, dated October 17, 2001, entitled “Plat
of Survey Showing Boundary Line Adjustment on the Property

¹ The legal description “9233 Northumberland Hwy. Property” was misidentified in the Motion but is correctly set forth herein.

of DONALD I. SMITH and GLORIA B. SMITH", a copy of which plat is of record in the aforesaid Clerk's Office in Plat Cabinet No. 2 on Slide No. 196C, and being the same real estate conveyed unto David Baker by deed dated October 31, 2001, from Donald I. Smith, of record in the aforesaid Clerk's Office in Deed Book 206 at Page 197.

Being the same real estate conveyed unto Thomas L. Sebra and Elaine M. Sebra, husband and wife, by deed dated July 19, 2004, from Donald I. Smith and Gloria B. Smith, husband and wife, of record in the aforesaid Clerk's Office in Deed Book 232 at Page 023.

c. *The "32.77 Acres Property"*

All that certain tract or parcel of land, with the improvements thereon and appurtenances thereunto appertaining, situate in Washington Magisterial District, Richmond County, Virginia, containing 32.77 acres, as shown on a certain plat thereof prepared by Sterlin L. Headley, Land Surveyor, dated October 29, 1998 and revised June 16, 2003, a copy of which plat is recorded with the hereinafter mentioned deed.

BEING the same property conveyed to Davis & Brizendine, Inc., a Virginia corporation, by deed from Alexander F. Dillard, Jr., Special Commission, dated December 17, 2003, and recorded December 19, 2003, in Deed Book 227 at Page 156 among the land records of Richmond County, Virginia.

-and-

All that certain tract or parcel of land, with the improvements thereon and appurtenances thereunto appertaining, situate in Washington Magisterial District, Richmond County, Virginia, containing 32.77 acres, as shown on a certain plat thereof prepared by Sterlin L. Headley, Land Surveyor, dated October 29, 1998, and revised June 16, 2003, a copy of which plat is recorded with a deed dated December 17, 2003, from Alexander F. Dillard, Jr., Special Commissioner, to Davis & Brizendine, Inc., a Virginia corporation, in the Office of the Clerk of the Circuit Court of Richmond County, Virginia, in Deed Book 227 at Page 156.

Being the same real estate conveyed unto Thomas L. Sebra and Elaine M. Sebra, husband and wife, by deed dated January 20, 2006, from Davis & Brizendine, Inc., a Virginia corporation, of record in the aforesaid Clerk's Office in Deed Book 247 at Page 700.

d. *The "12762 Richmond Road Property"*

All that certain tract or lot of land lying in Washington Magisterial District of Richmond County, Virginia, containing two and four-tenths (2 4/10) acres, more or less, but conveyed in gross and not by the acre and bounded

as follows: Beginning at a cement stob on the Southerly edge of the state highway leading from Village to Haynesville N. 82 3/8 W 77 feet from a highway concrete marker, thence S 38 W 233 feet along a line of marked trees on the line of the land of Paul H. Headley to another cement stob in a ravine, a corner with the other land of the said Lloyd W. Smith, Sr., thence along a line of marked trees in the approximate center of said ravine S 72 E 446 feet to another cement stob on the hill, a corner with the other land of the said Lloyd W. Smith, Sr., thence N 22 1/2 E 291 feet along a line of marked trees to another cement stob on the Southerly edge of the aforesaid highway, thence along said Southerly edge of said highway N 82 3/8 W 395.5 feet to the point of beginning.

and

e. *The "10982 Richmond Road Property"*

All those three (3) certain tracts or parcels of land, together with all improvements thereon, situate, lying and being in Washington Magisterial District, Richmond County, Virginia, designated and described as follows:

PARCEL ONE: 26.31 acres, more or less, as shown on plat of survey by Sterlin L. Headley, Land Surveyor, dated September 24, 1991, entitled "Plat of Division Survey of the Land of Aldene Smith Haynie", a copy of which plat is of record in the Office of the Clerk of the Circuit Court of Richmond County, Virginia, in Deed Book 149 at Page 262; LESS AND EXCEPT, 4.75 acres, more or less, conveyed to Alliance Fertilizer of the Northern Neck, Incorporated, a Virginia corporation, by deed of record in the aforesaid Clerk's Office in Deed Book 169 at Page 704.

PARCEL TWO: Situated on the right hand side of U.S. Route 360 leading from Warsaw to Haynesville, bounded by the aforesaid highway on the North and the lands now or formerly owned by Edward I. Smith and Aldene I. Smith, his wife, on the East, South and West.

PARCEL THREE: 0.13 of an acre, more or less, as shown on plat of survey by R. Peel Dillard, C.L.S., dated November 16, 1983, entitled "Lot Location Survey RONALD EDWARD SMITH - SHIRLEY M. SMITH", a copy of which plat is of record in the aforesaid Clerk's Office in Deed Book 129 at Page 448.

Being the same real estate conveyed unto Thomas L. Sebra and Elaine M. Sebra, husband and wife, by deed dated March 10, 2003, from Ronald E. Smith, of record in the aforesaid Clerk's Office in Deed Book 218 at Page 627.

which relief shall extend to the purchaser at the foreclosure sale to allow the purchaser to take

such action under state law, as may be necessary, to obtain possession of the Property.

It is FURTHER ORDERED that, in the event there remain any sale proceeds following the disposition of the Property and the payment in full of EVB of its secured indebtedness, then such proceeds shall be delivered to the Chapter 7 trustee.

DONE at Richmond, Virginia, this ____ day of September, 2011.

Douglas O. Tice, Jr.
Chief United States Bankruptcy Judge

I ask for this:

/s/ William A. Broscious

William A. Broscious, Esquire (VSB# 27436)
KEPLEY BROSCIOUS & BIGGS, PLC
2211 Pump Road
Richmond, Virginia 23233
(804) 741-0400

Seen and No Objection:

/s/ Lynn L. Tavenner

Lynn L. Tavenner, Esquire (VSB# 30083)
Tavenner & Beran, PLC
20 North Eighth Street, Second Floor
Richmond, Virginia 23219

/s/ Roy M. Terry, Jr.

Roy M. Terry, Jr., Esquire (VSB# 17764)
DURRETTECRUMP PLC
1111 East Main Street, 16th Floor
Richmond, Virginia 23219

Copies to:

Movant: William A. Broscious, Esquire
KEPLEY BROSCIOUS & BIGGS, PLC
2211 Pump Road
Richmond, Virginia 23233

Counsel for Debtor: Roy M. Terry, Jr.
DURRETTECRUMP PLC
1111 East Main Street, 16th Floor
Richmond, Virginia 23219

Chapter 7 Trustee: Lynn L. Tavenner, Esquire
Tavenner & Beran, PLC
20 North Eighth Street, Second Floor
Richmond, Virginia 23219

US Trustee: Robert B. Van Arsdale, Esquire (VSB#17483)
Assistant U.S. Trustee
Office of the U.S. Trustee
701 E. Broad Street, Suite 4304
Richmond, VA 23219

Copy mailed to:

Debtors: Thomas Lee and Elaine M. Sebra
11072 Richmond Road
Warsaw, Virginia 23572

CERTIFICATION

The undersigned certifies that the foregoing Consent Order Granting Relief from Stay is identical to the form order required by Administrative Order (Standing Order) 10-2 and that no modifications, additions, or deletions have been made, except for the second and final decretal that was added at the request of the Chapter 7 Trustee.

/s/ William A. Broscious

William A. Broscious, Esquire (VSB# 27436)
Attorney for Movant